

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: George G. Mueller et al.  
Serial No.: 10/810,481  
Confirmation No.: 9785  
Filed: March 26, 2004  
For: MULTICOLORED LIGHTING METHOD AND  
APPARATUS

Examiner: Haissa Philogene  
Art Unit: 2821

**MAIL STOP RCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant would like to bring to the Examiner's attention the following co-pending application(s)/issued patent(s):

| <u>Serial No.</u> | <u>Filing Date</u> | <u>Inventor(s)</u> | <u>Patent No.</u> | <u>Attv. Docket No.</u> |
|-------------------|--------------------|--------------------|-------------------|-------------------------|
| 09/716,819        | 11/20/00           | Ducharme et al.    | 7,014,336         | C1104.70061US00         |
| 10/935,329        | 09/07/04           | Ducharme           |                   | C1104.70038US01         |
| 10/705,643        | 11/10/03           | Ducharme, et al.   |                   | C1104.70061US01         |
| 10/930,345        | 08/31/04           | Ducharme, et al.   |                   | C1104.70061US02         |
| 11/322,891        | 12/30/05           | Ducharme, et al.   |                   | C1104.70061US03         |
| 10/701,132        | 11/04/03           | Mueller, et al.    |                   | C1104.70082US01         |
| 10/958,168        | 10/04/04           | Mueller, et al.    |                   | C1104.70109US01         |
| 11/106,381        | 04/14/05           | Piepgas, et al.    |                   | C1104.70110US01         |
| 11/224,683        | 09/12/05           | Chemel, et al.     |                   | C1104.70141US01         |

The above-identified co-pending application(s)/issued patent(s) may include technically-related subject matter and/or claims that may be similar to the present application. In handling prosecution of the above-identified application(s)/patent(s), the Examiner(s) for these other application(s)/patent(s) presumably search(es) for relevant prior art, and in some circumstances may be taking positions about prior art which may show one or more features that are similar to at least some of the features recited in the claims of the present application.

Accordingly, the Examiner in the present application is requested to review the entire file history of the above-identified application(s)/patent(s), including the pending claims, cited references, Office Actions, Responses, etc., to see whether there is any information that the Examiner believes may be relevant to the prosecution of the present application. It is assumed that the Examiner has access to the file histories of each of the above-identified application(s)/patent(s). However, if the Examiner would like copies of any or all of the information included in the file history of any of the above-identified application(s)/patent(s), the

Examiner is asked to contact the undersigned representative. If the undersigned representative is not contacted by the Examiner with such a request, then the undersigned representative will assume that the Examiner has reviewed or will review the file history of the above-identified application(s)/patent(s).

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified PTO/SB/08):

At least some of the foreign patent documents indicated on the attached form PTO-1449 were cited in one or more oppositions filed against European Patent No. 1,234,140, which is assigned to the current assignee of the present application.

European Patent No. 1,234,140 is the European counterpart to U.S. application Serial No. 09/716,819, now U.S. Patent No. 7,014,336. European Patent No. 1,234,140 discloses subject matter at least generally related to the subject matter of the present application.

Applicants also make of record the following four oppositions filed to date against European Patent No. 1,234,140:

- Opposition Brief, May 8, 2006, by Osram GmbH, opposing European Patent No. 1234140, pp 1-21
- Opposition Brief, May 4, 2006, by Tridonic Atco GmbH and Co. KG, opposing European Patent No. 1234140, pp 1-21
- Opposition Brief, May 10, 2006, by ERCO Leuchten GmbH, opposing European Patent No. 1234140, pp 1-20
- Opposition Brief, May 10, 2006, by Koninklijke Philips Electronics N.V., opposing European Patent No. 1234140, pp 1-24

Applicants make no representation that the documents cited herein relating to the European oppositions provide information material to the examination of the present application. Applicants make these documents of record in the present application primarily for completeness to facilitate the Examiner's understanding of the nature of these oppositions. The Examiner is urged to form his or her own conclusion regarding the relevance of the information contained in these documents.

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

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An early and favorable action is hereby requested.

Respectfully submitted,

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Docket No.: C1104.70082US02  
Date: August 7, 2006

|  |   |    |   |                                     |  |                                   |  |
|--|---|----|---|-------------------------------------|--|-----------------------------------|--|
| FORM PTO-1449/A and B (modified PTO/SB/08)<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> |   |    |   | APPLICATION NO.: 10/810,481         |  | ATTY. DOCKET NO.: C1104.70082US02 |  |
|  |   |    |   | FILING DATE: March 26, 2004         |  | CONFIRMATION NO.: 9785            |  |
|  |   |    |   | APPLICANT: George G. Mueller et al. |  |                                   |  |
|  |   |    |   | GROUP ART UNIT: 2821                |  | EXAMINER: Haissa Philogene        |  |
| Sheet  | 1 | of | 2 |                                     |  |                                   |  |

#### U.S. PATENT DOCUMENTS

| Examiner's<br>Initials # | Cite<br>No. | U.S. Patent Document |              | Name of Patentee or Applicant of Cited<br>Document | Date of Publication or Issue<br>of Cited Document<br>MM-DD-YYYY |
|--------------------------|-------------|----------------------|--------------|--|---|
|                          |             | Number               | Kind<br>Code |  |   |
|                          |             | 1324008              |              | D'Humy   | 12/02/1919  |
|                          |             | 3201576              |              | Scott  | 08/17/1965  |
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|                          |             | 4641227              |              | Kusuhara   | 02/03/1987  |
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|                          |             | 5515136              |              | Nishio   | 05/07/1996  |
|                          |             | 5544037              |              | Luger  | 08/06/1996  |
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|                          |             | 5806965              |              | Deese  | 09/15/1998  |
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|                          |             | 6161941              |              | Tait   | 12/19/2000  |
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|                          |             | 6259430              |              | Riddle et al.                                      | 07/10/2001  |
|                          |             | 6508564              |              | Kuwabara et al.                                    | 01/21/2003  |

#### FOREIGN PATENT DOCUMENTS

| Examiner's<br>Initials # | Cite<br>No. | Foreign Patent Document |          |              | Name of Patentee or Applicant of Cited<br>Document | Date of Publication of<br>Cited Document<br>MM-DD-YYYY | Translation<br>(Y/N)   |
|--------------------------|-------------|-------------------------|----------|--------------|--|--|------------------------|
|                          |             | Office/<br>Country      | Number   | Kind<br>Code |  |  |                        |
|                          |             | CH                      | 253968   |              | Herzer   | 12/01/1948   | Y                      |
|                          |             | DE                      | 29620583 | U1           | Kundisch Microtech GmbH                            | 03/27/1997   | Y                      |
|                          |             | EP                      | 0490329  | A1           | Tridonic Bauelemente GmbH                          | 06/17/1992   | N                      |
|                          |             | EP                      | 0689373  | A2           | Tridonic Bauelemente GmbH                          | 12/27/1995   | N                      |
|                          |             | EP                      | 0701390  | A2           | Tridonic Bauelemente GmbH                          | 03/13/1996   | Y                      |
|                          |             | EP                      | 0639938  | A1           | Tridonic Bauelemente GmbH                          | 02/22/1995   | Y - (See<br>US5544037) |
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|  |                                     |                                   |
|--|-------------------------------------|-----------------------------------|
| FORM PTO-1449/A and B (modified PTO/SB/08)<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> | APPLICATION NO.: 10/810,481         | ATTY. DOCKET NO.: C1104.70082US02 |
|  | FILING DATE: March 26, 2004         | CONFIRMATION NO.: 9785            |
|  | APPLICANT: George G. Mueller et al. |                                   |
|  | GROUP ART UNIT: 2828                | EXAMINER: Haissa Philogene        |

**OTHER ART -- NON PATENT LITERATURE DOCUMENTS**

| Examiner's<br>Initials # | Cite<br>No | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation<br>(Y/N) |
|--------------------------|------------|---|----------------------|
|                          |            | MUNCH, W., "Fortschritte in der Bewertung der Farbwiedergabe durch Lichtquellen." Tagungsbericht uber das IV, Internationale Kolloquium an der Hochschule fur Elektronik Ilmenau, October 1959  | Y                    |
|                          |            | BASS, M, "Handbook of Optics," McGraw Hill, USA, 1995, page 26.33   |                      |
|                          |            | GIRARDET, V. W., "Handbuch fur Beleuchtung," Essen, Germany 1975  | Y                    |
|                          |            | GANSLANDT et al., "Handbuch der Lichtplanung," Vieweg + Sohn, Wiesbaden, 1992   | Y                    |
|                          |            | NAKAMURA, S., "The Blue Laser Diode," Seiten 7-10, pp 216-221, Springer Verlag, Berlin, Germany, 1997   |                      |
|                          |            | Opposition Brief, May 8, 2006, by Osram GmbH, opposing European Patent No. 1234140, pp 1-21   | Y                    |
|                          |            | Opposition Brief, May 4, 2006, by Tridonic Atco GmbH and Co. KG, opposing European Patent No. 1234140, pp 1-21  |                      |
|                          |            | Opposition Brief, May 10, 2006, by ERCO Leuchten GmbH, opposing European Patent No. 1234140, pp 1-20  | Y                    |
|                          |            | Opposition Brief, May 10, 2006, by Koninklijke Philips Electronics N.V., opposing European Patent No. 1234140, pp 1-24  |                      |

|           |                  |
|-----------|------------------|
| EXAMINER: | DATE CONSIDERED: |
|-----------|------------------|

# EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

[NOTE – No copies of U.S. patents, published U.S. patent applications, or pending, unpublished patent applications stored in the USPTO's Image File Wrapper (IFW) system, are included. See 37 CFR §1.98 and 1287OG163. Copies of all other patent(s), publication(s), unpublished, pending U.S. patent applications, or other information listed are provided as required by 37 CFR §1.98 unless 1) such copies were provided in an IDS in an earlier application that complies with 37 CFR §1.98, and 2) the earlier application is relied upon for an earlier filing date under 35 U.S.C. §120.